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CBS Producer Defends Memos

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NEW YORK, Dec. 17—Much like a government official whose private comments have been leaked to the press, CBS producer George Crile today was faced with defending two in-house "notes" written before his network interviewed retired general William C. Westmoreland three years ago.

As Westmoreland's \$120 million libel action against CBS Inc. stretches into its 11th week, Crile, one of three CBS co-defendants, listened as Westmoreland's attorney read the producer's assessment that the Vietnam general "seems not to be all that bright."

Crile also defended as "hyperbole" a comment he made to co-defendant Mike Wallace that, "Now all you have to do is break Gen. Westmoreland and we have the whole thing aces."

Dan M. Burt, Westmoreland's attorney, asked Crile, "The task that you had with Gen. Westmoreland was to break him by not giving

him adequate information about what the interview was about, correct, sir?"

"No, Mr. Burt," Crile responded. "The term 'break Westmoreland' obviously is hyperbole."

At issue in the trial is whether CBS defamed Westmoreland when a documentary accused him of participating in a "conspiracy" to hide higher enemy-troop figures.

Crile testified that Wallace had "a very large challenge" during his interview with Westmoreland to try to keep the general from denying that "suppressed" enemy-troop data in 1967.

Crile made clear today that before the interview he had not believed Westmoreland's version of events surrounding the troop figures. He said that prior to the interview Westmoreland had "a continued practice of stonewalling and denying that there had been fundamental contradiction within his command."

The CBS producer also said he thought that Westmoreland "stonewalled" during a House investiga-

tion of issues raised by Crile's 1982 documentary, "The Uncounted Enemy: A Vietnam Deception."

Westmoreland has charged that he was "rattlesnaked" during his May 16, 1981, interview by Crile and Wallace.

Quoting from Crile's memo to Wallace five days before the interview, Burt three times read a section that said: "We have certainly covered our asses, technically, at least," when it came to informing Westmoreland about what questions to expect.

"You understood when you wrote that, that you had not given Gen. Westmoreland a full disclosure of the items you would be interviewing him about, correct, sir?" Burt asked.

"That's not true, Mr. Burt," Crile answered. "In the letter that we sent to him and in the discussions that I had with Gen. Westmoreland . . . we discussed the entire question of whether military intelligence had properly alerted the country and the policy makers . . . prior to the Tet offensive."

In an opinion last week that could foreshadow his instructions to the jury, U.S. District Court Judge Pierre N. Leval said that "the fairness of the broadcast is not at issue in the libel suit."

Leval said libel law "requires only that the publisher not slander by known falsehoods (or reckless ones)."

In a September ruling that cleared the way for this case to go to trial, Leval also suggested that some reporters' tactics, although seeming to be unfair, do not necessarily constitute libel.

"Getting the truth from a reluctant witness often requires either cajoling and flattery or a rough cross-examination. The use of such tactics is often necessary to arrive at the truth," Leval wrote. "By itself, it does not demonstrate disregard for the truth. Nor is the report required to accept denials of wrongdoing as conclusive"

The judge, however, said a reporter may make himself liable to charges of malice if "he knowingly or recklessly misstates that evidence to make it seem more convincing or condemnatory than it is."

Special correspondent John Kennedy contributed to this report.